IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.971 OF 2003

IN

SUMMARY SUIT NO.2656 OF 2003

Cabot India Ltd ....**Plffs.**
vs.
M/s. Moni Santosh and Ors .....**Defnds.**

Ms. Chavan Deep i/b. Little and Co. for the plaintiffs.

S. Umacharan with S.M. Manoti for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 22ND AUGUST 2005.

P.C. :

1. The present suit is filed on the basis of foot of accounts as indicated in the particulars of claim annexed at Ex. M to the plaint. Though the plaintiffs states that the suit is based on acknowledgment of liability

which is at Ex.C at page 27 of the plaint the particulars of the claim indicates that the claim raised is totally different than what is supposed to be acknowledged in the said letter dated 22.7.2002. In view thereof triable issue arises in the present matter. Unconditional leave to defend is granted.

2. Suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

sd/-

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